Remarks

This is in response to the Official Action of July 29, 2004. The points raised therein are addressed below in the order originally set forth.

Claim 2 has been cancelled to simplify the issues

Claims 1 and 3-10 stand rejected under 35 USC 112, first paragraph, in item 7 of the Official Action. This rejection is believed to be rendered moot in light of the incorporation of claim 11 into claim 1, as discussed further below, and hence it is respectfully submitted that this rejection should be withdrawn.

Claims 1-11 stand rejected under 35 USC 112, second paragraph, in item 8 of the Official Action.

It is stated in the Official Action that the specification "while being enabling for a hemizygous transgenic mouse whose germ cells and somatic cells contain (i) an inactive endogenous mouse inducible nitric oxide synthase gene, and (ii) a transgene encoding the human inducible nitric oxide synthase gene, said transgene comprising all regulatory elements of the human nitric oxide synthase gene necessary for a human pattern of expression of said transgene in said transgenic mouse, wherein lipopolysaccharide (LPS) inducers induce essentially no increase in iNOS activity in phagocytic cells of said mouse as measured by nitric oxide release as compared to a corresponding wild-type mouse...." does not provide enablement for other claimed embodiments.

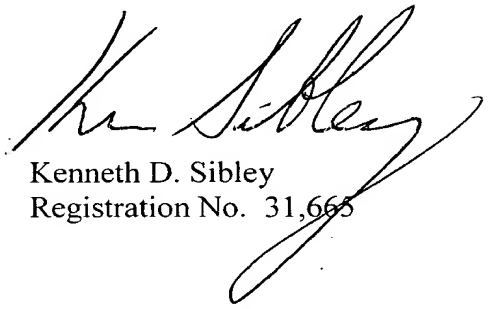
To expedite allowance of this case, claim 1 has been amended to (a) incorporate claim 11, and (b) incorporate the features from the passage above so that the claim is directed to subject matter which upon which has been indicated to satisfy the second paragraph of 35 USC 112. Accordingly, it is respectfully submitted that this rejection should be withdrawn.

Claims 1-10 stand rejected as indefinite in the recitation of "human pattern of expression". The claims have been amended to recite the limitation "wherein

lipopolysaccharide (LPS) inducers induce essentially no increase in iNOS activity in hagocytic cells of said mouse as measured by nitric oxide release as compared to a corresponding wild-type mouse" as suggested by the examiner.

It is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



Kenneth D. Sibley
Registration No. 31,665

US Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone (919) 854-1400
Facsimile (919) 854-1401

387937